HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 33326 of 1997

Between

A.P. Trayam Primary Agricultural Cooperative Society represented by its President and others ..Petitioners

AND

The Government of Andhra Pradesh represented by its Secretary, General Administration Department and others ..Respondents

:: JUDGMENT ::

7.3.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 33326 of 1997

This writ petition has been instituted by several Primary Agricultural Cooperative Societies. They are all situate in various

Villages of Pedapudi Mandal of East Godavari District. They sought for certain directions to the Respondents and in particular to the General Insurance Company of India to re-fix the percentage of crop insurance extended to the Pedapudi Mandal as the respondents have only fixed a meager extent of 5.92% as crop insurance amount for the loss of crop sustained due to the cyclonic storm on 6.11.1996. These Primary Agricultural Cooperative Societies are espousing the cause of their members who are all small and marginal farmers.

It is not in dispute that pursuant to crop insurance scheme, the necessary premium has been paid so as to insure the crops raised. The grievance nurtured by the writ petitioners is that though the certificate dated 19.12.1996 issued by the Mandal Revenue Officer, Pedapudi has clearly evidenced the extent of damage of crop in the Mandal due to cyclonic storm on 6.11.1996 as above 75%, however, while making an assessment of loss of crop to make good the same, a meager percentage of 5.92 has been assigned for the Mandal. The writ petitioners suspect that there could be an error of judgment in making this assessment inasmuch as compared to the assessments of damage made in the neighbouring Kajuluru and Karapa Mandals where the crop damage has been assessed as 20.25% and 27.02% respectively, the assessment of damage at 5.92% for Pedapudi Mandal is very low, though the loss sustained in Pedapudi Mandal is also of the same degree. Therefore, it could not have been less than 25.92 percent and at any rate, it could not have been assessed as low as 5.92%.

I am afraid that these matters are not capable of being decided with any amount of precision by this Court exercising its jurisdiction under Article 226 of the Constitution. The assessment of damage of crops is undoubtedly an administrative exercise which is carried out by

the State Government through various expert agencies, belonging to the Government or belonging to the Insurance Companies. The parameters which go into the matter of assessment could vastly vary. The High Court does not have the expertise even to indulge in any speculation as to the extent of the damage sustained due to the natural calamities. I therefore find that this writ petition is misconceived and does not deserve consideration or adjudication. However, the grievance nurtured and espoused by the writ petitioner societies is a matter which falls for consideration at the hands of the State Government. The District Collector perhaps is the best agency who will have the assistance of experts either belonging to the Agriculture or Rural Development Department of the Government or he can have the assessment made through the experts available with the respective Insurance Companies. If there is any obvious or arithmetical error committed in the matter of determining the extent of damage to the crops raised in the Pedapudi Mandal due to the cyclonic storm on 6.11.1996, it is a matter which can be decided by the District Collector. I therefore, consider it appropriate that as and when the writ petitioners take up this matter with the third respondent District Collector, the same be considered and decided on its merits. It is open to the writ petitioners to submit a detailed representation in the matter within the next one month and the same be examined and decided with reference to the material available with the District Collector.

With this, the writ petition stands disposed of.

_____

NOOTY RAMA MOHANA RAO.J.

7.3.2007

psr